



Senator Bob Oke's LEGISLATIVE UPDATE

26th Legislative District • P.O. Box 40426, Olympia WA 98504-0426 • (360) 786-7650

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The Senate and House will spend the next six weeks holding public hearings and work sessions on bills referred to each chamber's standing committees. For more information about bills and committee agendas, visit the Legislature's Web site at: <http://www1.leg.wa.gov/legislature>.

Chelan County Superior Court Judge John Bridges began hearing evidence this week in a trial to overturn the 2004 governor's election.

The state Democrat party plans to ask the judge to deny Dino Rossi and the state Republican Party the right to question county auditors and the right to access certain information, including a list of convicted felons to compare to registered voter lists.

The Democrat party also plans to ask the judge to deny the Republican request for an expedited process. They say the longer the process drags on and Christine Gregoire remains governor, the more reluctant the court will be to order a new election.

The key issue for the Republican Party is to supply the court with sufficient evidence to prove that there were more illegally cast ballots and more improperly handled votes in the election than the 129-vote margin of victory. Democrats say the court should only determine if Gregoire got 129 more illegal votes than Rossi. The problem with this line of thinking is that how a person votes is private and the secrecy of the ballot is guarded by state law.

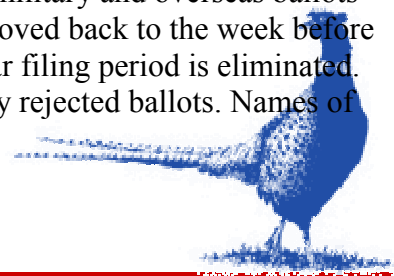
Budget Tidbits...just the facts

Each week, Sen. Joe Zarelli, the ranking Republican member of the Senate budget-writing committee, Ways & Means, publishes *Budget Tidbits...just the facts* on the Senate Republican Web site. The first edition explains state tort liability costs and the second edition explains K-12 and state employee health benefit costs. Check out the facts at www.src.wa.gov.

Election Reform Update – New Bills Filed

Senate Bill 5219 - This bipartisan measure moves back the primary election to August and the candidates' filing week back to June. The extended filing period for offices left vacant after the regular filing period is shortened. Nominating conventions for minor party candidates must also be held a month earlier.

Senate Bill 5315 (co-sponsored by Sen. Oke) – This bipartisan measure requires that absentee ballots be sent out no later than 32 days before an election and that every effort be made to mail military and overseas ballots earlier. The due date for absentee ballots is Election Day, except that military and overseas ballots need only be postmarked by Election Day. The candidate filing deadline is moved back to the week before July 4 and the special filing periods for major-party vacancies after the regular filing period is eliminated. Third parties may not deliver affidavits to voters in order to correct previously rejected ballots. Names of persons receiving a provisional ballot are made private.



Tobacco Sampling Bill Update

Senate Bill 5048, sponsored by Sen. Oke and both party leaders in the Senate, was given a do-pass recommendation by the Senate Labor, Commerce and Research & Development Committee on Thursday, January 20. The measure now goes to the Senate Rules Committee to be scheduled for full Senate consideration. Public testimony on the bill was taken on Monday, January 17. Students from Gig Harbor High School's Teens Against Tobacco Use joined the head of the Washington State Department of Health in asking senators to approve the bill. Tobacco is the only product that when used according to directions, kills one-third of its users. Most adult smokers started before age 18. This measure helps keep tobacco products out of the hands of young people by stopping tobacco companies from giving away samples at fairs, rodeos and concerts. It is illegal for youths under age 18 to buy or possess tobacco products in Washington.

Is state government full of waste? Republican-sponsored Senate Bill 5083 says its time to find out

Senate Republicans are hoping this is the year the Legislature will approve state agency **performance audits**, an oversight program that has been promoted by Republicans since the early 1990s. Given the state's continued budget problems, it's time to put some effort into a program that will save taxpayer dollars rather than spend them. Performance audits can find inefficiencies that government agencies can't see for themselves and they can measure an agency's results against the effectiveness of its processes. This kind of oversight has worked well in other states and should be a priority for the 2005 Legislature. **(Sen. Oke is a sponsor of SB 5083)**

Dueling malpractice/civil liability reform initiatives will likely go to voters this fall

It's still very early in the session, but majority Democrats have already indicated they've closed the door on the two initiatives to reform Washington's civil liability laws and address the high cost of medical malpractice insurance. Senate Republicans have worked hard on these issues for the past several sessions. Frivolous lawsuits and excessive noneconomic damage awards cost Washington consumers and taxpayers millions of dollars annually and threaten access to affordable health care, affordable housing and vital services.

The two initiatives, I-330 backed by doctors and hospitals and I-336 backed by trial lawyers, are both before the Legislature. The Legislature has three options for dealing with an Initiative to the Legislature: pass it into law as proposed, reject it and send it to the ballot, or pass an amended version. In that case, the alternative and the original measure would both go to voters. Detailed information about the initiatives can be found on the Secretary of State's Web site at: <http://www.secstate.wa.gov/elections/initiatives>.

Washington's job growth strongest in six years, but unemployment rate inches up to 5.8 percent

Senate Republicans have made saving existing jobs and creating new jobs a priority since the post 9-11 recession hit our state so hard. Keeping down the taxes a family and businesses have to pay has helped. Providing incentives to businesses to create new jobs is a proven strategy to economic recovery. This year Senate Republicans hope majority Democrats will stay the course: No new taxes and retain job-creating incentives. Washington's jobless rate is still above the national average of 5.4 percent. Our journey to a vibrant economy is still in progress. The cost of government has to be kept in check and the current \$1.8 billion revenue shortfall has to be met with the same resolve demonstrated by Republican leadership in 2003 when we faced a similar deficit, but kept our state going without hurtful cuts to programs for our state's most vulnerable citizens.

The penalty for failure of drivers to move out of the way for emergency vehicles may increase (Senate Bill 5038, co-sponsored by Sen. Oke)

Currently, if a driver doesn't yield to an emergency vehicle he or she may be assessed a \$101 fine. Since 2001, 33 police officers nationwide have been killed by motor vehicles or struck while standing along the side of a roadway during a traffic stop because people failed to slow down or move over when approaching. Senate Bill 5038 makes it a gross misdemeanor for a person to negligently obstruct or impede the passage of any emergency vehicle or any police vehicle using flashing lights and a siren. Drivers are required to change lanes or if that is not possible, slow down and proceed with caution when approaching a stationary emergency vehicle or

police car. A gross misdemeanor is punishable by up to one year in jail and/or a \$5,000 fine. A public hearing was held on this measure in the Judiciary Committee on January 18.

Bi-partisan measure gets tough on repeat DUI offenders (Senate Bill 5283, co-sponsored by Sen. Oke)

Driving drunk or under the influence of drugs is a gross misdemeanor, but such a conviction appears not to deter some people from doing it again. When repeat offenders seriously injure or kill someone, it is hard for the victim's family to understand why the law didn't work. Many believe that making the crime a felony conviction when it is a repeat offense will prove a better deterrent and that the threat of a felony conviction will encourage people to get the help they need – before it is too late. SB 5283 increases the crime of driving while intoxicated to a class C felony when the driver has been previously convicted of driving while intoxicated three times in the last five years or has been previously convicted of a felony driving offense. This measure is in the Senate Judiciary Committee for consideration. For information on the Senate Judiciary's public hearing schedule, go to <http://www1.leg.wa.gov/legislature>.

Protecting a parent's right to protect a child (SB 5081, co-sponsored by Sen. Oke)

A good many parents were surprised a month ago when the Washington State Supreme Court said a child's phone conversation is protected by the state's privacy law and the act of a parent listening in is a gross misdemeanor. Of course, no one expects a parent who is concerned about a child's activities to be prosecuted for monitoring who the child talks with and about what. Still, the law needs to be fixed. SB 5081 exempts parents or legal guardians from the privacy law if they monitor a minor child's telephone conversation.

TWO BILLS RECOGNIZE THAT BETTER HEALTH OUTCOMES IMPROVE NOT ONLY CITIZENS' WELL-BEING BUT ALSO LESSEN THE FISCAL BURDEN ON THE STATE.

- **Dietary supplements are made exempt from the state sales tax under SB 5255 (sponsored by Sen. Oke)** Today's processed food products lack much of the nutritional value humans need to stay healthy. As a result, many people use dietary supplements to augment their daily food intake. Others, with serious illnesses like Sen. Oke, depend on supplements to help battle the effects of a disease and nourish their bodies when food is no longer palatable. Senate Bill 5255 recognizes the value of food supplements by including them in the sales tax exemption for food.
- **Removing the tax on physical fitness club memberships (Senate Bill 5066, co-sponsored by Senator Oke)** Regular exercise is recommended for a healthy heart and a way to fight obesity. Many people join physical fitness clubs where trainers and equipment are available. This measure exempts such memberships from the state sales and use tax.

New Toll Free Number to Report Food Safety Complaints (1-800-843-7890)

Washington's Department of Agriculture (WSDA) has always responded to food safety complaints, but the new toll free number will make it easier. Not all reported complaints fall under the jurisdiction of the WSDA, so some complaints will be forwarded to the appropriate agency – like a local health department. If a product results in an illness, the person calling in the information will be contacted within 24 hours. WSDA said the new one-stop toll free call will more quickly identify problems involving a large population.

New Federal Law Provides Access to Free Credit Reports

People can now receive a free credit report annually from each of the three major consumer reporting companies. A recent amendment to the federal Fair Credit Reporting Act (FCRA) requires each of the nationwide consumer reporting companies to provide people with a free copy of their credit report, upon request, once every 12 months. To receive a report, go to www.annualcreditreport.com, or call toll-free 1-877-322-8228.

It is entirely a person's choice whether to order all three credit reports at the same time or order one now and others later. The advantage of ordering all three at the same time is that they can be compared. On the other hand, the advantage of ordering one now and others later (for example, one credit report every four months) is that a person can keep track of any changes or new information that may appear.

The contact information for the credit report companies is found below if there is a need to contest any information found on a report. Credit reports are usually based on: (1) credit history; (2) who reviewed the credit history; (3) information that has been given to the credit information company; (4) specific identification information; and (5) any explanatory notes and comments.

- Equifax
800-685-1111
www.equifax.com
- Experian
888-397-3742
www.experian.com
- Trans Union
800-916-8800
www.transunion.com

Legislative toll free hotline: 1-800-562-6000
TTY: 1-800-635-9993
Senate Republican Web site: www.src.wa.gov
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